



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4006

by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.866 new

Creates the Burn Victims Relief Act, which may be referred to as the George Bailey Memorial Law. Creates the George Bailey Memorial Program, under which a burn victim who, through no fault of his or her own, has become disabled and has been told by 2 independent physicians that his or her prognosis is that he or she has less than 18 months left to live shall immediately receive the 5 months' pay that he or she would have received for Social Security had there not been a mandatory 5-month waiting period. Provides for penalties for fraud. Creates the George Bailey Memorial Board to carry out the Program. Creates the George Bailey Memorial Fund as a special fund in the State treasury and amends the State Finance Act to list the Fund as a special fund. Provides for repayments to the Fund under specified conditions. Provides that fire insurance companies shall pay amounts assessed by the Department of Insurance and that the Department shall pay the money so received into the George Bailey Memorial Fund.

LRB099 11163 MGM 31653 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning burn victims.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Burn  
5 Victims Relief Act, which may be referred to as the George  
6 Bailey Memorial Law.

7 Section 5. The George Bailey Memorial Program.

8 (a) The George Bailey Memorial Program is created, under  
9 which any burn victim who, through no fault of his or her own,  
10 has become disabled and has been told by 2 independent  
11 physicians that his or her prognosis is that he or she has less  
12 than 18 months left to live shall immediately receive the 5  
13 months' pay that he or she would have received for Social  
14 Security had there not been a mandatory 5-month waiting period.  
15 The person shall receive the same amount that he or she would  
16 receive under the federal Supplemental Security income  
17 program, minus \$25. This amount shall be paid in equal payments  
18 for 5 months, ending after the end of the 5-month period or  
19 upon the applicant's death.

20 As used in this Section, "through no fault of his or her  
21 own" means that the individual is not the proximate cause of  
22 his or her injury, through either gross negligence or by use of  
23 a substance that is well known to possibly cause grave bodily

1 injury by a short amount of use or exposure.

2 (b) Any moneys that a person or his or her estate, trust,  
3 or heirs receive from a settlement for the injury that is the  
4 proximate cause of person's disability under this Act shall be  
5 used to repay the George Bailey Memorial Fund, except as  
6 provided under subsection (k) of this Section. The moneys shall  
7 be paid directly to the office of the Treasurer and shall be  
8 forwarded to the fund minus a 20% administrative fee.

9 (c) Any person meeting the requirements of subsection (a)  
10 and whose application to the Board is approved unanimously  
11 shall be eligible to participate in the Program.

12 (d) Any active member of the United States armed forces  
13 shall be eligible if he or she was a resident of Illinois for  
14 at least 12 months before enlisting and he or she planned to  
15 return to Illinois.

16 (e) Any legal resident of Illinois who, at the time of the  
17 injury, was a resident of Illinois who would qualify under  
18 subsection (a) shall not be disqualified for residency  
19 requirements, provided that he or she was a legal resident at  
20 the time of the injury.

21 (f) Fraud committed by a physician concerning the diagnosis  
22 under subsection (a), or a person attempting to obtain money,  
23 or by a State official who knowingly helps to defraud the State  
24 through an act in relation to the Program shall be a Class 3  
25 felony.

26 (g) The George Bailey Memorial Board is created. The Board

1 shall consist of 5 persons. No member of the Board shall  
2 receive any stipend, refund, mileage, or expense  
3 reimbursements.

4 (h) The George Bailey Memorial Fund is created as a special  
5 fund in the State treasury. The fund shall be distributed from  
6 the Treasurer's office and the administrative moneys described  
7 in subsection (b) shall cover those costs.

8 (i) The Board shall be appointed in 2-year renewable terms  
9 in the following manner:

10 (1) one member shall be appointed by the Speaker of the  
11 House of Representatives;

12 (2) one member shall be appointed by the House Minority  
13 Leader;

14 (3) one member shall be appointed by the President of  
15 the Senate;

16 (4) one member shall be appointed by the Senate  
17 Minority Leader; and

18 (5) one member shall be appointed by the Governor.

19 After a member has been appointed to the Board, the person  
20 may not be removed except for good cause by the Inspector  
21 General. If such a removal occurs, the Governor shall appoint  
22 the successor, unless it was the Governor's appointee, in which  
23 case the Treasurer shall appoint the successor to serve the  
24 remainder of the term. No appointee or any State official may  
25 directly or indirectly compensate any Board member.

26 (j) Any legal resident of Illinois is eligible for

1 participation in the Program and shall not be disqualified if  
2 the injury occurs outside of the State.

3 (k) The State shall have lien rights against all  
4 settlements or moneys otherwise collected due to the injury  
5 under this Act, but if the amount collected is less than the  
6 amount owed to the State through the Program, the State may not  
7 attached anything beyond the moneys given under the Program.

8 Section 10. Payments to the George Bailey Memorial Fund.  
9 Every fire insurance company, whether upon the stock or mutual  
10 plan, and every other personal or business entity doing any  
11 form of fire insurance business in the State of Illinois, (i)  
12 shall pay to the Department of Insurance in the month of March  
13 each year such amount as may be assessed by the Department of  
14 Insurance, which the Department shall establish after a  
15 thorough study and estimate of the amount needed to fund the  
16 George Bailey Memorial Program and which may not exceed 1% of  
17 the gross fire, sprinkler leakage, riot, civil commotion,  
18 explosion and motor vehicle fire risk premium receipts of such  
19 company or other entity from such business done in the State of  
20 Illinois during the preceding year and (ii) shall make an  
21 annual report or statement under oath to the Department  
22 specifying the amount of such premiums received during the  
23 preceding year. The Department of Insurance shall pay the money  
24 so received into the George Bailey Memorial Fund, to be used as  
25 specified in this Act.

1           Section 90. The State Finance Act is amended by adding  
2           Section 5.866 as follows:

3           (30 ILCS 105/5.866 new)

4           Sec. 5.866. The George Bailey Memorial Fund.